

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

CAREY BERNARD CALDWELL  
TDCJ-CID #1043417

V.

DOUGLAS DRETKE

§  
§  
§  
§  
§

C.A. NO. C-05-333

**ORDER OF TRANSFER**

This is a habeas action filed by a state prisoner incarcerated at the McConnell Unit in Beeville, Texas (D.E. 1). Petitioner states that he was convicted in the 180<sup>th</sup> Judicial District Court, Harris County, Texas.

A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); Wadsworth v. Johnson, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is located in the Southern District, Corpus Christi Division, 28 U.S.C. § 124(b)(6), and he was convicted by a court located in the Southern District, Houston Division, 28 U.S.C. § 124(b)(2).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). Because petitioner was convicted in Harris County, the records of his conviction are in Harris County, and the prosecuting attorney, defense counsel, and witnesses are in Harris County, it is more convenient for the action to be handled by the Southern District, Houston Division.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Southern District of Texas, Houston Division. All pending motions are denied without prejudice, subject to reconsideration after this action is transferred.

ORDERED this 18th day of July, 2005.



B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE